



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,662	10/18/2001	Thiru Srinivasan	1585C (42059-01380)	4124

7590 08/11/2006

Marsh Fischmann & Breyfogle LLP  
Suite 411  
3151 S. Vaughn Way  
Aurora, CO 80014

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/001,662

Applicant(s)

SRINIVASAN ET AL.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to communication filed on 5/22/2006.
2. Claims 1-25 are presented for examination.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al. (6,006,265 hereinafter Rangan) in view of Wachob (5,155,591 hereinafter Wachob).

With respect to claims 1-6, 8-21, Rangan teaches a method transmitting multimedia from a network server information over a data network (Abstract). Detecting at least one system user logged into a network server through a connection established over the data network from a remotely located computer and identifying an IP address associated with the connection of the remotely located computer with the network server, and presenting one or more hypertext links which are selectable so as to view a selected multimedia presentation (See figure 1 and 2); receiving through a screen display demographic information for at least one system user and using the IP address to access at least one database to retrieve demographic information stored therein associated with the at least one system user (col. 20, lines 52-60); based on the selected hypertext link accessing the selected multimedia presentation in a computer

Art Unit: 3622

memory and transmitting the selected multimedia presentation information from the network server over the connection to the remotely located computer (Figure 6).

With respect to detecting an inserted commercial break during the transmission of the multimedia presentation and based on the demographic information associated with the system user accessing a commercial database and retrieving and transmitting the commercial to the user during the commercial break. Rangan teaches on the fly targeted commercials or video clips insertion based on user profiles and demographics (col.7, lines 28-31 and col. 20, lines 52-60). Rangan does not specifically teach detecting a commercial break. Wachob teaches providing demographically targeted television commercials responsive to the commercial break portion of the television signal for selecting and retrieving the commercial based on the viewer's demographic (see Figure 3). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the teachings of Wachob of detecting a commercial break in order to transmit the targeted commercial insertion of Rangan because such a modification would help schedule the commercials insertions.

Claims 22-25 further recite a schedule database to schedule the multimedia information. Official notice is taken that it is old and well known to schedule when certain information is to be scheduled in order to designate a fixed time for an event. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a schedule database to schedule the multimedia information in order to achieve the above mentioned advantage.

**Response to Arguments**

4. Applicant argues that Rangan doesn't teach that demographic information for the at least one system user is received through a screen display. The Examiner disagrees with Applicant because Rangan, on column, 29, lines 35-39 teaches that the user's information or interests is obtained from information received from the user pertaining to his or her interests based on the user's click-throughs on hyperlinks and on the user's on-line purchases. The information is being received through a screen display.

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. In response to applicant's argument that Wachob is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Wachob is pertinent to solving the problem with which Applicant is concerned which is transmitting targeted information to the users during a commercial break (see Figure 3 of Wachob).

Art Unit: 3622

7. With respect to claims 2-6 and 8-11, Applicant argues that Rangan does not teach monitoring a system user's computer to accumulate demographic information. The Examiner disagrees with Applicant because Rangan, on column, 29, lines 35-39 teaches that the monitoring the user's computer in order to obtain user's information such as user's click-throughs on hyperlinks and on the user's on-line purchases.

8. With respect to Applicant's arguments that Wachob doesn't teach detecting a commercial break. The Examiner disagrees with Applicant because Wachob teaches on Figure 3, item 154 that the system determines if a commercial is about to occur? And if it demographic information is available for the user at step 158, then retrieving targeted commercials based on the user's information.

9. With respect to claim 9, Applicant argues that the references do not teach querying the system user to provide demographic information, the Examiner disagrees because Wachob teaches that the demographic data can be input by a user remotely (see Wachob's Abstract).

10. With respect to claim 11, Applicant argues that the references do not teach receiving a login ID from the user. The Examiner disagrees with Applicant because in Rangan the user logs into the network so therefore an identifier must exist.

11. With respect to claim 22, Applicant argues that neither Rangan nor Wachob teach a schedule database for storing the screen display which are presentable in which the user enters demographic information. The combination of Rangan and Wachob teach obtaining, storing and retrieving the user's demographic information that was input by the user, and retrieving the demographic information so that it can be matched

Art Unit: 3622

with the targeted commercial (see Rangan col. 29, lines 35-39 and Wachob Figure 3 and Abstract). With respect to the Official notice taken that a schedule database is well known. Since, Applicant didn't command a proper challenge that would at least cast reasonable doubt on the fact taken notice of, the Official notice is sustained. See MPEP 2144.03 where In re Boon is mentioned.

12. The Examiner had addressed, all the claims limitations in the non-final rejection mailed on 5/22/2006, so therefore this office action is been made final.

**Conclusion**

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


**Points of contact**

Art Unit: 3622

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
7/27/2006